

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-13 were pending in the application, of which Claims 1, 9, 11-13 are independent. In the Final Office Action dated July 29, 2003, Claims 1, 3, 4, 7, 9, and 11-13 were rejected under 35 U.S.C. §102(b) and Claims 2, 5, 6, 8, and 10 were rejected under 35 U.S.C. §103(a). Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Final Office Action dated July 29, 2003, the Examiner rejected Claims 1, 9, 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,418,852 ("*Itami*"). In addition, the Examiner rejected claims 2, 5, 6, 8, and 10 under 35 U.S.C. 103(a) as being obvious over *Itami*. Claims 1, 9, and 11-13 have been amended to further define and clarify the invention, and Applicants respectfully submit that these amendments overcome this rejection and add no new matter. Support for these amendments may at least be found in the specification on page 10, lines 6 through 15.

Amended Claim 1 is patentably distinguishable over the cited art in that it recites, for example, "superimposing an identification information upon a presentation target data" and "wherein an error correction encoding is applied to the original data."

Amended Claims 9, 11, and 13 each include a similar recitation. Amended Claim 12 is patentably distinguishable over the cited art in that it recites, for example, "reading information, including an identification information superimposed upon presentation

target data, from a record medium, the record medium including an error correction encoding."

In contrast, *Itami* at least does not teach or suggest superimposing an identification information upon a presentation target data nor does it teach or suggest wherein an error correction encoding is applied to the original data or a record medium. For example, *Itami* discloses that it is possible to record ID data on a user accessible area by using an error correction code (ECC) recorded on a sector area accessible in a normal mode. (See Col 14, lines 56-59.) In *Itami*, superposition (superimposing an identification information upon a presentation target data) does not happen, rather recording an ECC on a **separate** sector area does.

Itami would not have led to the claimed invention because *Itami* at least does not disclose or suggest superimposing an identification information upon a presentation target data, as recited by amended Claims 1, 9 and 11-13. Moreover, Sako fails to cure these deficiencies. Accordingly, independent Claims 1, 9, and 11-13 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 9, and 11-13.

Dependent Claims 2-8 and 10 are also allowable at least for the reasons above regarding independent Claims 1 and 9, and by virtue of their respective dependencies upon independent Claims 1 and 9. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-8 and 10.

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II. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

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Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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